

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BARBARA CLINITE, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
                        )  
vs.                   )      **Case No. 08-CV-0711-MJR**  
                        )  
                        )  
PAULA JOHNSON,     )  
                        )  
                        )  
Defendant.         )

**MEMORANDUM and ORDER**

**REAGAN, District Judge:**

Clinite originally filed the above-captioned action in the Circuit Court, Twentieth Judicial Circuit, St. Clair County, Illinois on June 1, 2006 (Doc. 4). On October 7, 2008, Johnson removed the case to this Court (Doc. 1). However, on November 7, 2008, this Court determined that it lacked subject matter jurisdiction over this action under either 28 U.S.C. §§ 1331 or 1332 and remanded this action back to state court (Doc. 10). Johnson now wishes to appeal that decision and seeks leave from this District Court to do so *in forma pauperis* (Doc. 14).

**28 U.S.C. § 1915** permits this Court to authorize an appeal to proceed without prepayment of fees where the appellant is indigent. Though it appears that Johnson is in fact indigent, **§ 1915(a)(3)** provides that “An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” A district court must ensure that it does not apply an inappropriately high standard when making a determination of good faith. ***Pate v. Stevens***, **163 F.3d 437, 439 (7th Cir. 1998)**. Seventh Circuit law is clear that an appeal is taken in bad faith if it is based upon a claim that no reasonable person could suppose has any merit. ***Lee v. Clinton***, **209 F.3d 1025, 1026 (7th Cir. 2000)**.

The Court finds no objectively reasonable argument to indicate that Johnson's claim—that federal jurisdiction lies in this action—has merit. The parties are not diverse, and the complaint indicates that the action arises under Illinois law, rather than federal law. No reasonable person could suppose that the jurisdictional allegations that served as the basis for removal have merit. As a result, the Court cannot find that Johnson's appeal is taken in good faith.

Accordingly, the Court hereby **DENIES** Johnson's motion for leave to appeal *in forma pauperis* (Doc. 14) and **CERTIFIES** that Johnson's appeal is not taken in good faith.

**IT IS SO ORDERED.**

**DATED this 12th day of December 2008.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**